

ORIGINAL
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08 JUN -5 PM 2:58
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

EMC

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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EFREN TAYAG and MARIA TAYAG,

CV 08

2815

Plaintiffs,

COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTION

vs.

ROSEMARY MELVILLE, District Director,
United States Citizenship and Immigration
Services, and MICHAEL B. MUKASAY,
Attorney General,

Defendants

Plaintiffs allege:

1. This action is brought pursuant to the provisions of 28 U.S.C. § 1331 and 5 U.S.C. §§ 701 - 706.

2. Plaintiffs Efren Tayag and Maria Tayag are husband and wife. Efren Tayag is a citizen of the United States and plaintiff Maria Tayag is a citizen of the Philippines.

3. Defendant Rosemary Melville is the District Director of the San Francisco district office of the United States Citizenship and Immigration Services, (USCIS), a component of the Department of Homeland Security. Defendant Michael B. Mukasey is the Attorney General of the United States. Defendants are charged with the duty to administer and enforce the Immigration and Nationality Act, including the adjudication of a visa petition filed a United State citizen pursuant to 8 U.S.C. §1154(a)(1)(A)(i) , and the adjudication of an application for adjustment of status to lawful

1 permanent resident filed by an alien pursuant to 8 U.S.C. §1255.

2 4. 8 U.S.C. §1154(a)(1)(A)(i) vests defendant Rosemary Melville with the authority to accord
3 immediate relative status under 8 U.S.C. §1151(b)(2)(A)(i) to the spouse or child of a United States
4 citizen. To accord immediate relative status a United States citizen is required to file a petition on
5 a Form I-130 with the USCIS in accordance with the provisions of 8 C.F.R. §204.1.

6 5. 8 U.S.C. §§1255(a) vests defendant Rosemary Melville with discretion to adjust an alien's
7 status to that of an alien lawfully admitted for permanent residence. To apply for adjustment of status
8 an alien is required to file an application on Form I-485 in accordance with the provisions of 8
9 C.F.R. §245.2.

10 6. On February 28, 2003 plaintiff Efren Tayag petitioned the USCIS to accord preference
11 classification on plaintiffs' daughter, Marie Cynthia Kristel Engay Tayag. The petition was upgraded
12 to a immediate relative petition when plaintiff Efren naturalized, and on September 9, 2004 the
13 petition was transferred by the USCIS to the USCIS office in San Francisco, California for
14 adjudication. See attached Exhibit A.

15 7. On December 9, 2004 plaintiff Efren Tayag petitioned the USCIS to accord immediate
16 relative status on plaintiff Maria Tayag, and on that date plaintiff Maria Tayag simultaneously
17 applied for adjustment of status. See attached Exhibit B.

18 8. The USCIS has not adjudicated plaintiff Efren Tayag's visa petitions or plaintiff Maria
19 Tayag's application for adjustment of status, and the petitions and application remain pending at the
20 USCIS office in San Francisco, California.

21 9. Defendants have breached their legal duty to adjudicate plaintiffs' petitions and
22 application, and defendants' failure to adjudicate plaintiffs' petitions and application is unlawful,
23 arbitrary and capricious.

24 10. There is no administrative appeal from defendants' decision.

25 11. There is a real and actual controversy between the parties. Plaintiffs have no adequate
26 remedy at law. Plaintiffs have suffered and will continue to suffer irreparable injury as result of the
27

1 acts of the defendant complained herein.

2 WHEREFORE, plaintiffs pray judgment.

3 1. Declaring that defendant Rosemary Melville has violated 8 U.S.C. §1154(a)(1)(A)(i) and
4 8 C.F.R. §204.1 in her adjudication of plaintiff Efren Tayag's visa petitions.

5 2. Declaring that defendant Rosemary Melville has violated 8 U.S.C. §1255(a) and 8 C.F.R.
6 §245.2 in her adjudication of plaintiff Maria Tayag's application for adjustment of status.

7 3. Preliminarily and permanently enjoining defendants, their agents, and delegates to
8 adjudicate plaintiffs' petitions and application forthwith.

9 4. Awarding plaintiffs their costs and reasonable attorneys fees incurred in this action;

10 5. Granting such other and further relief as may be appropriate.

11 Dated: June 5, 2008

12
13 
14 _____
15 JONATHAN M. KAUFMAN
16 Attorney For Plaintiffs
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EXHIBIT A

U. S. Citizenship and Immigration Services

[TEXT ONLY](#) [HOME](#) [WHAT'S NEW](#) [FAQs](#) [SEARCH](#) [GLOSSARY](#) [FEEDBACK](#) [TRANSLATE](#) [PRINTPAGE](#)

[Immigration Services and Benefits](#)

[Case Status](#)

[National Customer Service Call Center \(NCSCC\)](#)

Receipt Number: wac0313151312

[Call Scripts and Information](#)

Application Type: I130, IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN

[Case Status Online](#)

Current Status:

[Case Status Search](#)

[Register](#)

On September 9, 2004, we transferred your I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN to an office in SAN FRANCISCO, CA for processing. That office will notify you when they take action on your case. You should receive a notice informing you that your case has been transferred to a local office. Please call the National Customer Service Center at (800) 375-5283, to receive information about local office processing times.

[Login](#)

[Case Status FAQs](#)

If you have questions or concerns about your application or the case status results listed above, or if you have not received a decision or advice from the USCIS within the projected processing time frame*, please contact the National Customer Service Center.

National Customer Service Center (800) 375-5283

* The projected processing time frame can be found on the receipt notice that you received from the USCIS.

10-06-2004 01:46 PM EDT

U.S. Department of Justice
Immigration and Naturalization Service (INS)

OMB No. 1115-0054

Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE ONLY

Case ID#	Action Stamp	Fee Stamp
A#		
G-28 or Volag#		
Section of Law <input type="checkbox"/> 201 (b) spouse <input type="checkbox"/> 203 (a)(1) <input type="checkbox"/> 201 (b) child <input type="checkbox"/> 203 (a)(2) <input type="checkbox"/> 201 (b) parent <input type="checkbox"/> 203 (a)(4) <input type="checkbox"/> 203 (a)(5)		
AM CON: _____		Petition was filed on: _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> Stateside Criteria <input type="checkbox"/> Field Investigations <input type="checkbox"/> I-485 Simultaneously <input type="checkbox"/> 204(a)(2)(A) Resolved <input type="checkbox"/> 204 (h) Resolved
Remarks:		

A. Relationship

1. The alien relative is my: ☐ Husband/Wife ☐ Parent ☐ Brother/Sister ☒ Child ☐ Yes ☒ No
2. Are you related by adoption? ☐ Yes ☒ No
3. Did you gain permanent residence through adoption? ☐ Yes ☒ No

B. Information about you

1. Name (Family name in CAPS) (First) (Middle)
TAYAG, Efrén Zapata

2. Address (Number and Street) (Apartment Number)
518 Minna Street 502

(Town or City) (State/Country) (ZIP/Postal Code)
San Francisco CA USA 94103

3. Place of Birth (Town or City) (State/Country)
Manila Philippines

4. Date of Birth (Mo/Day/Yr) 5. Sex 6. Marital Status
07-20-38 ☒ Male ☒ Married ☐ Single
☐ Female ☐ Widowed ☐ Divorced

7. Other Names Used (including maiden name)
None

8. Date and Place of Present Marriage (if married)
01-16-95; Caloocan City Philippines

9. Social Security Number 10. Alien Registration Number (if any)
358-76-8980 41-240-867

11. Names of Prior Husbands/Wives 12. Date(s) Marriage(s) Ended
Estelita Pineda 12-15-94

C. Information about your alien relative

1. Name (Family name in CAPS) (First) (Middle)
TAYAG, Marle Cynthia Kristel Engay

2. Address (Number and Street) (Apartment Number)
11B City Camp Alley

(Town or City) (State/Country) (ZIP/Postal Code)
Baguio City Philippines

3. Place of Birth (Town or City) (State/Country)
Baguio City Philippines

4. Date of Birth (Mo/Day/Yr) 5. Sex 6. Marital Status
07-27-85 ☐ Male ☐ Married ☒ Single
☒ Female ☐ Widowed ☐ Divorced

7. Other Names Used (including maiden name)
None

8. Date and Place of Present Marriage (if married)
N/A

9. Social Security Number 10. Alien Registration Number (if any)
None None

11. Names of prior Husbands/Wives 12. Date(s) Marriage(s) Ended
None

13. If you are a U.S. citizen, complete the following:

- My citizenship was acquired through (check one)
☐ Birth in the U.S.
☐ Naturalization (Give number of certificate, date and place it was issued)
☐ Parents
 Have you obtained a certificate of citizenship in your own name?
☐ Yes ☐ No
 If "Yes", give number of certificate, date and place it was issued

14a. If you are a lawful permanent resident alien, complete the following:

Date and place of admission for, or adjustment to, lawful permanent residence, and class of admission:

02-01-87 Chicago, IL

14b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?

☐ Yes ☒ No

13. Has your relative ever been to the U.S.?

☒ Yes ☐ No

14. If your relative is currently in the U.S., complete the following: He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)

N/A

Arrival/Departure Record (I-94) Number Date arrived (Month/Day/Year)

Date authorize stay expired, or will expire as shown on Form I-94 or I-95

15. Name and address of present employer (if any)

N/A

Date this employment began (month/day/year)

16. Has your relative ever been under immigration proceedings?

☐ Yes ☒ No Where _____ When _____
☐ Exclusion ☐ Deportation ☐ Rescission ☐ Judicial Proceedings

0158

INITIAL RECEIPT

RESUBMITTED

RELOCATED

COMPLETED

Rec'd

Sent

Approved

Denied

Returned

3. (Continued) Information about your alien relative

5. List husband/wife and all children of your alien relative

(if your relative is your husband/wife, list his or her children)

(Name) (Relationship) (Date of Birth) (Country of Birth)

N/A

6. Address in the United States where your relative intends to reside

(Number and Street)

(Town or City)

(State)

518 Minna Street, Apt No 502

San Francisco

CA

7. Your relative's address abroad

(Number and Street)

(Town or City)

(Province)

(Country)

(Phone)

11B City Camp Alley

Baguio City

Philippines

074-445-4703

8. If your relative's native alphabet is other than Roman letters, write his/her name and address abroad in the native alphabet:

(Name)

(Number and Street)

(Town or City)

(Country)

N/A

9. If filing for your husband/wife, give last address at which you both lived together:

(Name)

(Number and Street)

(Town or City)

(Province)

(Country)

From

(Month)

(Year)

To

(Month)

(Year)

Check the appropriate box below and give the information required for the box you checked:

☒ Your relative will apply for a visa abroad at the American Consulate in Manila, Philippines

(City)

(Country)

☐ Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at _____

(City)

(State)

If your relative is not eligible for adjustment of status, he or she will

apply for a visa abroad at the American Consulate in _____

(City)

(Country)

(Designation of a consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that consulate. Acceptance is at the discretion of the designated consulate.)

Other Information

If separate petitions are also being submitted for other relatives, give names of each and relationship.

Have you ever filed a petition for this or any other alien before?

☐ Yes

☒ No

If "Yes" give name, place and date of filing, and result.

Warning: The INS investigates claimed relationships and verifies the validity of documents. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

Penalties: You may, by law be imprisoned for not more than five years, or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws and you may be fined up to \$10,000 or imprisoned up to five years or both, for knowingly and willfully falsifying or concealing a material fact or making any false document in submitting this petition.

Certification: I certify under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature [Signature] Date 2/5/03 Phone Number 846-2793

Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Charles E Nichol

Law Office of Charles E. Nichol, 350 Sansome Street, Suite 620
San Francisco CA 94104

Print Name

(Address)

(Signature)

(Date)

02/05/03

0158

G-28 ID Number

Volag Number

NOTICE TO PERSONS FILING FOR SPOUSES IF MARRIED LESS THAN TWO YEARS

Pursuant to section 216 of the Immigration and nationality Act, your alien spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by an officer of the Immigration and Naturalization Service. Both you and your conditional permanent resident spouse are required to file a petition, Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the ninety day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence.

Otherwise, the rights, privileges, responsibilities and duties which apply to all other permanent residents apply equally to a conditional permanent resident. A conditional permanent resident is not limited to the right to apply for naturalization, to file petitions in behalf of qualifying relatives, or to reside permanently in the United States as an immigrant in accordance with the immigration laws.

Failure to file Form I-751, Joint Petition to Remove the Conditional Basis of Alien's Permanent Resident Status, will result in termination of permanent residence status and initiation of deportation proceedings.

NOTE: You must complete Items 1 through 6 to assure that petition approval is recorded. Do not write in the section below item 6.

1. Name of relative (Family name in CAPS)		(First)	(Middle)
TAYAG		Marie Cynthia	Kristel Engay
2. Other names used by relative (Including maiden name)			
None			
3. Country of relative's birth		4. Date of relative's birth (Month/Day/Year)	
Philippines		07-27-85	
5. Your name (Last name in CAPS)		(First)	(Middle)
TAYAG, Efren Zapata			
		6. Your Phone Number	
		846-2793	

Action Stamp

SECTION

DATE PETITION FILED

☐ 201 (b)(spouse)☐ 201 (b)(child)☐ 201 (b)(parent)☐ 203 (a)(1)☐ 203 (a)(2)☐ 203 (a)(4)☐ 203 (a)(5)☐ STATESIDE

CRITERIA GRANTED

SENT TO CONSUL AT:

CHECKLIST

Have you answered each question?

Have you signed the petition?

Have you enclosed:

- ☐ The filing fee for each petition?
- ☐ Proof of your citizenship or lawful permanent residence?
- ☐ All required supporting documents for each petition?

If you are filing for your husband or wife have you included:

- ☐ Your picture?
- ☐ His or her picture?
- ☐ Your G-325A?
- ☐ His or her G-325A?

EXHIBIT B

US DHS
SAN FRANCISCO
RETAIN THIS RECEIPT

9:27AM Dec 9/04
00-0000 001 SFR-AD
#08939

A # 000000000
Last Name TAYAG
First Name
MARIA CHITA

I-765 \$175.00
I-130 SPOUSE \$185.00
I-485 \$315.00
FP-Fee/FD258 \$70.00

Check \$745.00

Official
Document

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES
630 SANSOME STREET
SAN FRANCISCO, CALIFORNIA 94111**

**MARIA CHITA TAYAG
EFREN ZAPATA TAYAG
388 - 5TH STREET, APT. #2
SAN FRANCISCO, CA 94107**

**FILE NUMBER: A 98 257 647
DATE: 03/29/2005**

Please come to the office shown below at the time and place indicated in connection with an official matter.

**OFFICE LOCATION: 630 SANSOME STREET, ROOM 255
SAN FRANCISCO, CA 94111**

**DATE AND TIME: 04/21/2005
08 : 20 AM**

**OFFICER: D91 WRIGHT
BD6**

REASON FOR APPOINTMENT: APPLICATION FOR ADJUSTMENT OF STATUS

THIS INTERVIEW WILL BE VIDEO TAPED.

PLEASE BRING ALL ITEMS THAT ARE CHECKED (X) TO THE INTERVIEW.

- ☒ This letter, all passports, your I-94 arrival/departure form, if any, and INS approval notices and INS issued documents.
- ☒ Current photo I.D and proof of petitioners U.S. Citizenship /Lawful Resident status. PETITIONERS MUST APPEAR IN SPOUSAL CASES.
- ☒ A Current letter of employment for both spouses showing rate of pay and hours per week.
- ☒ The three (3) most current Federal 1040 Tax Returns and W-2's.
- ☒ Evidence supporting bona fides of the marital relationship, e.g. photos, bank stmts., leases, insurance policies, other.
- ☒ Certified, complete court records for any arrests. Original birth/marriage/divorce certificates for you, spouse, children.
- ☒ If you do not wish to surrender originals, bring legible photo copies.

DUE TO SECURITY PROCEDURES, PLEASE ARRIVE 30 MINUTES EARLY with a valid PASSPORT, STATE I.D., OR INS ISSUED VALID EAD OR PERMANENT RESIDENT CARD. Failure to appear or to bring requested documents may result in delay or denial of your application. If you do not appear on time you may rescheduled.

If you do not speak English, you must bring a disinterested 3rd party to interpret, with valid ID (Not attorney or petitioner)

ATTORNEY NOTIFIED: LAW OFFICE OF CHARLES E. NICHOL

PC10

U.S. Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

MARIA CHITA ENGAY TAYAG A98 257 647

E-11(T)

☐ HAND-DELIVERED to applicant

4/21/2005

**THIS LETTER IS IN REFERENCE TO YOUR APPLICATION FOR PERMANENT RESIDENCE.
YOUR CASE HAS BEEN CONTINUED FOR THE REASON(S) CHECKED BELOW.**

☒ Visa Availability ☐ Fingerprints ☐ Security Clearance(s) ☐ A-file(s) ☒ Further Review
☒ Documentation (listed below) ☐ Other:

IT IS REQUESTED THAT YOU SUBMIT THE FOLLOWING DOCUMENTS:

- NEED RESULTS OF COURT CASE IN PHILIPPINES (APRIL 29, 2005)

YOU ARE ADVISED THAT YOU ARE GRANTED A PERIOD OF **NINETY (90)** DAYS FROM THE DATE OF THIS LETTER TO SUBMIT THE REQUESTED DOCUMENTS.

FAILURE TO COMPLY WITH THIS REQUEST WILL BE DEEMED GROUNDS FOR **DENIAL** OF YOUR APPLICATION FOR LACK OF PROSECUTION.

**PLEASE SEND REQUESTED DOCUMENTS
WITH A COPY OF THIS LETTER TO:**

Sincerely,

David N. Still
District Director

Citizenship and Immigration Service
630 Sansome Street, Room 200
San Francisco, CA 94111
ATTN: E11 / T

cc:

OMB #1115-0053

U.S. Department of Justice
Immigration and Naturalization Service**For I-485, Application to Register
Permanent Residence or Adjust Status****START HERE - Please Type or Print****Part 1. Information about you.**Middle Name:
EngayFamily Name **TAYAG** Given Name **Marla Chita** Middle Initial **E**

Address - C/O

Street Number and Name **P.O. Box 347333** Apt. #City **San Francisco**State **CA** Zip Code **94134**Date of Birth (month/day/year) **04-08-57** Country of Birth **Philippines**Social Security # **None** A # (if any) **None**Date of Last Arrival (month/day/year) **12-10-03** I-94 # **20307763810**Current INS Status **B-1/2** Expires on (month/day/year) **03-09-04****Part 2. Application Type. (check one)****I am applying for adjustment to permanent resident status because:**

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice—or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category which allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate).
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U. S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- f. ☐ I am the husband, wife, or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least 1 year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 1 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other

Country Chargeable**Eligibility Under Sec. 245**

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other

Preference**Action Block****To Be Completed by****Attorney or Representative, if any**

- ☒ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License # **CA 146271**

Continued on back

am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Part 3. Processing Information.

A. City/Town/Village of birth Sorsogon		Current occupation Unemployed	
Your Mother's First Name Paz		Your Father's First Name Antimo	
Give your name exactly as it appears on your Arrival /Departure Record (Form I-94) Maria Chita Engay Tahoori			
Place of Last Entry Into the U.S. (City/State) Los Angeles, CA		In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) Visitor	
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Nonimmigrant Visa Number 19983639210002		Consulate where Visa was issued Manila	
Date Visa Was Issued (month/day/year) 01-04-99	Sex: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	

Have you ever before applied for permanent resident status in the U.S.? ☒ No ☐ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife, all your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

Family Name Tayag	Given Name Efren	Middle Initial Zapata	Date of Birth (month/day/year) 07-20-38
Country of birth Philippines	Relationship Spouse	A # A41-240-867	Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family Name Tayag	Given Name Marie Cynthia Kristel	Middle Initial Engay	Date of Birth (month/day/year) 07-27-85
Country of birth Philippines	Relationship Daughter	A # None	Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday. Include any foreign military service in this part. If none write "none". Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization (s). If additional space is needed, use a separate piece of paper.

None

Part 3. Processing Information. (Continued)

Please answer the following questions. (If your answer is "Yes" to any of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust your status or register for permanent residence.)

1. Have you ever, in or outside the U.S.:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.? ☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit? ☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the 2 year foreign residence requirement and not complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. Citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)

I certify under penalty of perjury under the laws of the United States of America that this application and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

Signature MCE Tayag Print Your Name Maria Chita Engay Tayag Date Oct. 29, 2008 Daytime Phone Number 415-271-0243 MC
415-846-2793

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature Charles E. Nichol Print Your Name Charles E Nichol Date 10/29/08 Day time Phone Number 415-362-4088
 Firm Name and Address Law Office of Charles E. Nichol, 350 Sansome Street, Suite 620
San Francisco CA 94104

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0054

Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE ONLY

A#	Action Stamp	Fee Stamp
Section of Law/Visa Category <input type="checkbox"/> 201 (b) spouse - IR-1/CR-1 <input type="checkbox"/> 201 (b) child - IR-2/CR-2 <input type="checkbox"/> 201 (b) parent - IR-5 <input type="checkbox"/> 203(a)(1) Unm. S or D - F1-1 <input type="checkbox"/> 203(a)(2)(A) Spouse - F2-1 <input type="checkbox"/> 203(a)(2)(A) Child - F2-2 <input type="checkbox"/> 203(a)(2)(B) Unm. S or D - F2-4 <input type="checkbox"/> 203(a)(3) Married S or D - F3-1 <input type="checkbox"/> 203(a)(4) Brother/Sister - F4-1		Petition was filed on: _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> I-485 Filed Simultaneously <input type="checkbox"/> Field Investigations <input type="checkbox"/> 204(g) Resolved <input type="checkbox"/> 203(a)(2)(A) Resolved <input type="checkbox"/> 203(g) Resolved
Remarks:		

A. Relationship You are the petitioner; your relative is the beneficiary.

1. I am filing this petition for my:

☒ Husband/Wife ☐ Parent ☐ Brother/Sister ☐ Child

2. Are you related by adoption?

☐ Yes ☒ No

3. Did you gain permanent residence through adoption?

☐ Yes ☒ No

B. Information about you

C. Information about your alien relative

1. Name (Family name in CAPS) (First) (Middle)		
TAYAG, Efren Zapata		
2. Address (Number and Street) (Apt. No.)		
995 Howard Street 205		
(Town or City)	(State/Country)	(ZIP/Postal Code)
San Francisco	CA USA	94103
3. Place of Birth (Town or City) (State/Country)		
Manila Philippines Philippines		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
07/20/1938	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
None		
8. Date and Place of Present Marriage (if married)		
01/16/1996; Caloocan City Philippines		
9. Social Security Number (if any)		10. Alien Registration Number
358-76-8980		A41-240-867
11. Name(s) of Prior Husband(s)/Wife(s)		12. Date(s) Marriage(s) Ended
Estelita Pineda		09/09/1994

1. Name (Family name in CAPS) (First) (Middle)		
TAYAG, Marla Chita Engay		
2. Address (Number and Street) (Apt. No.)		
995 Howard Street 205		
(Town or City)	(State/Country)	(ZIP/Postal Code)
San Francisco	CA USA	94103
3. Place of Birth (Town or City) (State/Country)		
Sorsogon Philippines		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
04/08/1957	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
Marla Chita Engay Tahoorl		
8. Date and Place of Present Marriage (if married)		
01/16/1996; Caloocan City Philippines		
9. Social Security Number (if any)		10. Alien Registration Number
None		None
11. Name(s) of prior Husband(s)/Wife(s)		12. Date(s) Marriage(s) Ended
None		

13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one)

☐ Birth in the U.S.☒ Naturalization. (Give certificate number and date and place of issuance.)

28219534 05/18/2004 San Francisco, CA

☐ Parents. Have you obtained a certificate of citizenship in your own name?☐ Yes. Give certificate number, date and place of issuance ☐ No

14a. If you are a lawful permanent resident alien, complete the following:

Date and place of admission for, or adjustment to, lawful permanent residence and class of admission:

14b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?

☐ Yes ☒ No

13. Has your relative ever been to the U.S.?

☒ Yes ☐ No

14. If your relative is currently in the U.S., complete the following:

He or she last arrived as a:

(visitor, student, stowaway, without inspection, etc.)

Visitor

Arrival/Departure Record (I-94) Number Date arrived (Month/Day/Year)

12/03/07/7/6/3/8/1/0

12/10/2003

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

03-09-04

15. Name and address of present employer (if any)

Unemployed

Date this employment began (Month/Day/Year)

12-2003

16. Has your relative ever been under immigration proceedings?

☒ No ☐ Yes Where _____ When _____☐ Removal ☐ Exclusion/Deportation ☐ Rescission ☐ Judicial Proceedings

INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED: Rec'd _____ Sent _____ COMPLETED: Appv'd _____ Denied _____ Ret'd _____

0329/0184

Form I-130 (Rev. 03/19/02)Y

C. Information about your alien relative (continued)**17. List husband/wife and all children of your relative**

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)
Efren Zapata Tayag	Spouse	07/20/1938	Philippines
Marie Cynthia Kristel Engay Tayag	Daughter	07/27/1985	Philippines

18. Address in the United States where your relative intends to live.

(Street Address)	(Town or City)	(State)
995 Howard Street, Apt No 205	San Francisco	CA

19. Your relative's address abroad, (include street, city, province and country)

995 Howard Street, Apt No 205, San Francisco, CA, USA

Phone Number (if any)
415-978-2706**20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet:**

(Name)	Address (include street, city, province and country):
N/A	

21. If filing for your husband/wife, give last address at which you both lived together. (Include street, city, province, if any, and country)

From:	To:
(Month) (Year)	(Month) (Year)

22. Complete the information below if your relative is in the United States and will apply for adjustment of status

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident at the office of the Immigration and Naturalization Service in San Francisco, CA (City) (State). If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in _____ (City) (Country).

NOTE: Designation of an American Embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other Information**1. If separate petitions are also being submitted for other relatives, give names of each and relationship.****2. Have you ever filed a petition for this or any other alien before?**

If "Yes" give name, place and date of filing, and result.

☒ Yes ☐ No

Marie Cynthia Kristel Tayag *See Addenda* 02/28/2003 Still pending

WARNING: The INS investigates claimed relationships and verifies the validity of documents. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years, or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 and imprisoned for up to five years or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

E. Signature of Petitioner**F. Signature of Person preparing this form, if other than the petitioner**

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Charles E NicholSignature Charles E. NicholDate 10/29/04Address Law Office of Charles E. Nichol, 350 Sansome

G-28 ID or VOLAG Number, if any. _____

Street, Suite 620, San Francisco, CA 94104

Continuation Sheet

Page: 1

TAYAG, Maria Chita Engay.

I-130

None

0329

D2. List of individuals for whom petitions were previously filed.

Name	Place of filing	Date	Results
Marie Cynthia Kristel Tayag	California Service Center	02/28/2003	Still pending

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (and rev 1-16-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS Efren Tayag and Maria Tayag	DEFENDANTS Rosemary Melville and Michael B. Mukasey
(b) County of Residence of First Listed Plaintiff San Francisco (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(c) Attorney's (Firm Name, Address, and Telephone Number) Jonathan M. Kaufman 220 Montgomery Street, Suite 976 San Francisco, CA 94104 (415) 956-4765	Attorneys (If Known) U.S. Attorney 450 Golden Gate Avenue San Francisco, CA 94102

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input checked="" type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

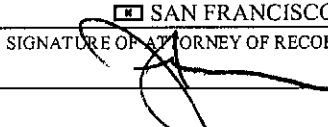
V. ORIGIN (Place an "X" in One Box Only)	Transferred from
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 1331, 5 USC 701-706 Brief description of cause: complaint for declaratory judgment and injunction
----------------------------	--

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/> DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
-------------------------------------	--

VIII. RELATED CASE(S) IF ANY	PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".
-------------------------------------	--

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)	<input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND <input type="checkbox"/> SAN JOSE
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DATE 6/5/08	SIGNATURE OF ATTORNEY OF RECORD 
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